IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.737 of 2007
SIDDHANATH PRASHAR & ANR
Versus
THE STATE OF BIHAR & ORS
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3 22.9.2008 Heard the learned counsel for the parties.

In the instant writ application the petitioners have prayed for investigation of Kazi Mohammadpur P.S. Case No.214/06 by C.I.D.

Learned counsel for the petitioners submits that from para 12 of the application it appears that C.B. team of C.I.D. has already enquired the matter and has submitted report and the same has been sent from Muzaffarpur to Patna, Head Office on 30.3.07. Subsequently vide ORG'S No. 1197 dated 16.7.2008, the C.I.D. has taken over the control of the aforesaid case.

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Learned counsel for the State submits that the police after investigation had already submitted report under section 173 of Cr.P.C.

The petitioners in the interlocutory application being I.A. No.2008/08 have prayed for staying further proceeding in court below,as further investigation is going on.

On filing of charge sheet cognizance is taken and case proceeds. If after cognizance, on further investigation more materials are produced indicating involvement of new offence or more accused, the Magistrate will proceed in accordance with guidelines given in case of Ram Lal Narang Vrs. Om Prakash

Narayan , reported in 1979 S.C.C. 1791.

In view of aforesaid circumstances this Court does not find it expedient to stay further proceedings in court below.

This writ application is disposed of with the aforesaid case.

AnilKr.Sinha **(Samarendra Pratap Singh,J.)**

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